IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B.CRIMINAL MISC. PETITION NO. 1450/2007
(D. Bhatacharya & Anr. Vs. Union of India)

Date of Order : 07/12/2007

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. Sunil Mehta for the petitioner
None present for the Union of India.

BY THE COURT:-

No one appears for the Union of India though served.

By the instant criminal misc. petition under Section 482 Cr.P.C., the petitioners have challenged the order dated 30.8.2007 passed by Additional Chief Judicial Magistrate (Economic Offence), Jodhpur (for short 'the trial court' hereinafter) directing the petitioners to remain present on the next date and the matter will be taken up day-to-day.

Heard learned counsel for the petitioners. Perused the order impugned.

It appears that a complaint case for the offences under Sections 9 (I), 9 (II), 9 (aa), 9 (I) (b), 9 (i) BB and 9 (I)

bbb of the Central Excise Act, 1944 is pending trial before the trial court. On 30.8.2007, the complainant failed to appear, and an opportunity was granted to the complainant. However, the accused petitioners were also not present as their personal appearance had already been dispensed with by order dated 17.12.2002 till further orders. The trial court by order dated 30.8.2007, directed the petitioners to remain present on the next date.

Learned counsel for the petitioners submits that the next date fixed by the trial court is 15.1.2008 and the identity of the petitioners is not disputed. In the circumstances, therefore, there is hardly any necessity for the appearance of the accused unless the matter is at the stage of charge or statement of accused. In this view of the matter, let the petitioners move a fresh application before the trial court on the next date seeking exemption from their personal appearance and the trial court shall exempt the appearance of the petitioners unless otherwise required in order to proceed with the trial of the case.

With these directions, the criminal misc. petition stands disposed of.

(H.R.PANWAR),J.

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S.B.Cr. Misc. Stay Petition No. 882/2007

In

S.B. Cr. Misc. Petition No. 1450/07

Date of order : 07.12.2007

HON'BLE MR.H.R.PANWAR,J.

Mr. Sunil Mehta for the petitioners.

None present for the Union of India.

Since the criminal misc. petition itself has been disposed of, the stay petition also stands disposed of.

(H.R.PANWAR), J.

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